

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NOVARTIS PHARMACEUTICALS  
CORPORATION, NOVARTIS AG,  
NOVARTIS PHARMA AG, NOVARTIS  
INTERNATIONAL PHARMACEUTICAL  
LTD. and LTS LOHMANN THERAPIE-  
SYSTEME AG,

Plaintiffs,

V.

ALVOGEN PINE BROOK, INC. and  
ALVOGEN GROUP, INC.,

Defendants.

[illegible]

C.A. No. 1:13-cv-00052-RGA  
C.A. No. 1:13-cv-00370-RGA

**NOTICE OF PETITIONS FOR *INTER PARTES* REVIEW OF THE  
PATENTS-IN-SUIT BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Plaintiffs Novartis Pharmaceuticals Corporation, Novartis AG, Novartis Pharma AG, Novartis International Pharmaceutical Ltd. and LTS Lohmann Therapie-Systeme AG hereby notify the Court that U.S. Patents Nos. 6,316,023 (“’023 patent”) and 6,335,031 (“’031 patent”), the patents at issue in the above-captioned actions, are the subject of pending petitions filed by Noven Pharmaceuticals, Inc. (“Noven”) on April 2, 2014 to initiate *inter partes* review (“IPR”) proceedings at the Patent Trial and Appeal Board (“PTAB”).<sup>1</sup>

For the Court's reference, the IPR numbers that are assigned to Noven's petitions are IPR2014-00549 for the '023 patent and IPR2014-00550 for the '031 patent. Copies of the April 15, 2014 Notices of Filing Dates for IPR2014-00549 and IPR2014-00550 are attached hereto as

<sup>1</sup> Plaintiffs submit this notice in view of a recent decision by the United States District Court for the Eastern District of Virginia, *Virginia Innovation Sciences, Inc. v. Samsung Electronics Co., Ltd.*, No. 2:12-cv-00548-MSD-TEM, slip op. at 26-28 (May 2, 2014) (D.I. 569) holding that parties have a duty to inform the court of pending IPR petitions concerning patents-in-suit.

Exhibits A and B, respectively. In petition no. IPR2014-00549, Noven challenges '023 patent claims 1, 2, 4, 5, 7 and 8 as obvious under 35 U.S.C. § 103. In petition no. IPR2014-00550, Noven challenges '031 patent claim 15 as anticipated under 35 U.S.C. § 102 and '031 patent claims 1, 2, 3, 7, 15, 16 and 18 as obvious under 35 U.S.C. § 103.

Pursuant to 35 U.S.C. § 314, the PTAB has until October 15, 2014 to decide to grant either of Noven's petitions and to initiate IPR proceedings against the '023 and '031 patents.

In the event that IPR proceedings are initiated, the timing of subsequent events in the proceedings will be largely at the discretion of the PTAB. Absent extenuating circumstances, however, a final decision concerning the validity of the challenged claims of the '023 and '031 patents will issue from the PTAB on or before October 15, 2015.

Date: May 8, 2014

/s/ Daniel M. Silver

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